

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

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U.S. DISTRICT COURT
N.D. OF ALABAMA

CYNTHIA JAMES,

Plaintiff

vs.

STEEL CITY OLDSMOBILE, ET
AL.,

Defendants

CIVIL ACTION NO.

98-AR-2780-S

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ENTERED

NOV 30 1998

MEMORANDUM OPINION

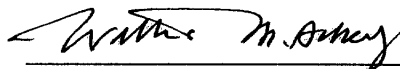
The court has before it the motion of plaintiff, Cynthia James, to remand the above-entitled case to the Circuit Court of Jefferson County, Alabama, from whence it was removed by defendants after James in a discovery deposition responded to a leading question put to her by a defense counsel that she thinks the Truth-in-Lending Act was violated by one or more defendants.

James cannot, and therefore did not, accidentally invoke a federal statute as a basis for original jurisdiction in federal court unless the invocation is analogous to ERISA's doctrine of super-preemption. The Truth-in-Lending Act must be expressly invoked by a pleading filed by plaintiff, and James has not invoked it. The mere fact that James, a layperson, was induced to second-guess her lawyer and let an opposing lawyer put words in her mouth at her deposition does not provide a basis for the sudden

appearance of a federal question.

A separate order of remand will be entered.

DONE this 30th day of November, 1998.

A handwritten signature in black ink, appearing to read "William M. Ackers, Jr.", written over a horizontal line.

WILLIAM M. ACKER, JR.
UNITED STATES DISTRICT JUDGE